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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91172335
Party	Defendant Spiegelberg, John Spiegelberg, John 2416 Broadway Lubbock, TX 79401
Correspondence Address	ERIK J. OSTERRIEDER SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DR # S14 AUSTIN, TX 78749-3311
Submission	Opposition/Response to Motion
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Date	08/17/2006
Attachments	Response to Motion to Suspend.pdf (2 pages)(14211 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TEXAS TECH UNIVERSITY,
Opposer,

v.

JOHN SPIEGELBERG D/B/A
RED RAIDER OUTFITTER,
Applicant.

§
§
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§ OPPOSITION No. 91172335
§
§
§ Serial No. 78/620,435
§ Mark: WRECK 'EM TECH
§ Pub. For Opp. Date: 6/27/06

APPLICANT'S RESPONSE TO OPPOSER'S MOTION TO SUSPEND PROCEEDINGS
PURSUANT TO 37 C.F.R. § 2.117(a)

Without any prior conference with Applicant's counsel, Opposer filed a motion to suspend proceedings in the above-styled action. Had it conferred, Opposer would have discovered that Applicant does not contest suspension or would have stipulated to suspension. Instead, Opposer's motion is now needlessly before the Board as contested.

Applicant now requests that the Board grant Opposer's motion to suspend the instant proceedings, but to do so as consented. It is agreed that the mark at issue is the subject of claims and counterclaims in a federal civil action that bears on the mark's ownership as between the parties to this action.

Respectfully submitted,

Dated: August 17, 2006

By: /Erik J. Osterrieder/
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CERTIFICATE OF TRANSMISSION

This is to certify that a true and correct copy of APPLICANT'S RESPONSE TO OPPOSER'S MOTION TO SUSPEND PROCEEDINGS PURSUANT TO 37 C.F.R. § 2.117(a) is being transmitted, via ESTTA, to the Trademark Trial and Appeal Board , on the date of signing below.

Dated: August 17, 2006

By: /Erik J. Osterrieder/
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of APPLICANT'S RESPONSE TO OPPOSER'S MOTION TO SUSPEND PROCEEDINGS PURSUANT TO 37 C.F.R. § 2.117(a) was served on the date of signing below, on Opposer Texas Tech University, through their attorneys of record, *via First Class Mail*, with sufficient postage, in an envelope addressed to:

Kilpatrick Stockton LLP
1100 Peachtree St., N.E., Suite 2800
Atlanta, GA 30309-4530

Dated: August 17, 2006

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